



MINUTES
PLANNING COMMISSION MEETING
1300 NE Village Street
Fairview, OR 97024
Tuesday, March 26, 2013

PRESENT: Steve Kaufman, Vice-Chair
Jack McGiffin
Ed Jones
Jan Shearer
Julius Arceo

ABSENT: Gary Stonewall, Chair
Keith Kudrna

STAFF: Allan Berry, Public Works Director
Lindsey Nesbitt, Development Analyst

1. CALL TO ORDER

Vice-Chair Kaufman called the meeting to order at 6:30pm.

2. CITIZENS WISHING TO SPEAK ON NON-AGENDA ITEMS

Vice-Chair Kaufman inquired if any person would like to speak on a non-agenda item. Ms. Dawn Greenwell, 183 Crestwood St., Fairview, OR 97024 spoke regarding the Hannah's Tract Development. Ms. Greenwell stated she was told a hearing would be scheduled to review the developments compliance with the Planning Commission notice of decision prior to final occupancy being issued for the last home. No hearing was scheduled and final occupancy has been issued. Only 25 feet of the 50 foot riparian buffer area has been cleared of invasive species.

Staff responded Ms. Greenwell had voiced concerns regarding Hannah's Tract at prior meetings. In response the Commission directed Staff to evaluate and review all conditions of approval associated with the development and report back. Staff presented their findings at a subsequent meeting. After review the Commission agreed all conditions of approval were being adhered to. Prior to issuing final occupancy for the last home Staff conducted field inspections and determined all conditions of approval had been satisfied and there was no basis to withhold final occupancy.

The Commission discussed the difference between regulation and enforcement, and who is responsible i.e. city, developer, or property owner. Staff clarified the riparian buffer was not city owned nor was the city responsible for maintenance; maintaining the riparian buffer was the responsibility of the property owner. The Commission requested Staff research Ms. Greenwell's concern and review compliance/enforcement options at the next meeting.

Ms. Greenwell stated she understood the enforcement process for maintenance of the buffer with current property owners. Her issue was that Planning Staff did not require the developer to clear the entire 50 foot riparian buffer of invasive species prior to issuing occupancy. Multiple citizens requested the conditions be reviewed in an open forum prior to issuing occupancy. No hearing was conducted and no notice was provided to concerned citizens prior to issuing occupancy.

3. REVIEW AND ADOPT MINUTES

Commissioner McGiffin moved to approve the February 26, 2013 as written and Commissioner Jones seconded. The motion was approved unanimously.

Ayes: 5

Noes: 0

Abstained: 0

4. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Shearer nominated Vice-Chair Kaufman for Chair and Commissioner Arceo seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

Vice-Chair Kaufman nominated Commissioner Shearer for Vice-Chair and Commissioner Jones seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

5. PUBLIC HEARING

a) File 13-4-NR

3600 Pelfrey Avenue

Natural resource review for construction of a boat home, dock and access drive.

Vice-Chair Kaufman read the open hearing statement and Development Analyst Lindsey Nesbitt cited the applicable criteria. There was no disclosure of ex parte contact, conflict of interest, or bias. No objections were noted.

Development Analyst Nesbitt presented the staff report. Applicant was requesting to renew a 1999 expired land use approval for construction of a boathouse with kitchen and restroom, dock, and paved access drive. The 1999 application was reviewed by the City Attorney and deemed expired because substantial construction of the dock or the boat house had not taken place. Proposed code amendments for dock regulations would prohibit this type of development; therefore, adoption of the amendments was put on hold pending resolution of this application. This application clarifies footprint, location, and lot area use to calculate allowed footprint that was not included in the 1999 application. The applicant requested the land use approval be valid 10 years. Staff recommended approval of the application as conditioned.

Vice-Chair Kaufman inquired if any person would like to speak in favor of, opposition of, or neutrally about the application.

Applicant Lynnia Woods, 3600 Pelfrey Ave., Fairview, OR stated the request was for a dock and boat house. The purpose was to house a boat, not intended for livable space, and the ancillary necessities i.e. water, electricity, access, etc. Ms. Woods had concerns regarding access. Staff clarified the access drive width as conditioned only pertained to the portion within the buffer. The additional driveway access reference was an advisory note, not a condition. The additional access would be examined at the time of development.

Applicant Henry Pelfrey, 3600 Pelfrey Ave., Fairview, OR requested approval of the application to protect their 1999 request and approval.

Dennis Caudell, 20659 NE Lakeside Dr., Fairview, OR, a neighbor of Mr. Pelfrey, spoke in support of approving the application.

Vice-Chair Kaufman read into record an email received from Commissioner Stonewall. The Commission and applicant discussed Commissioner Stonewall's questions. Commission agreed the larger than normal boat house was proportionate to the home.

Commissioner Shearer moved to close the public hearing and Commissioner McGiffin seconded. The motion was approved unanimously and Vice-Chair Kaufman opened Commission discussion. Commissioner Jones commented fire and emergency requirements would be reviewed during the permitting process to ensure appropriate access.

Development Analyst Nesbitt recommended the Commission's motion replace Lot 12 in the conditions of approval with tax lot 1N3E28BA-04108.

Commissioner Jones moved to approve application 13-4-NR as conditioned and replacing Lot 12 with tax lot 1N3E28BA-04108 in the conditions of approval, and Commissioner Shearer seconded. The motion passed unanimously.

Ayes: 5

Noes: 0

Abstained: 0

6. STAFF UPDATES

a) Sign Code Amendments: Development Analyst Nesbitt stated the sign code amendment adoption process had been scheduled. These amendments were minor and focused on only removing content based material.

b) River Oriented Use Code Development: Development Analyst Nesbitt reviewed the 3 properties being considered for preparing a draft River Oriented Use Zoning Code that would not be adopted, but would be available and ready to adopt if and when a rezone was requested.

Staff requested Commission input as to what type of developments they would like to see or not see. Types of uses discussed included:

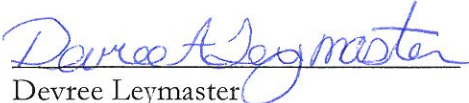
- No Government related offices
- Restaurants
- Marina
- River access fueling station
- Walking paths with water access
- Family oriented recreational activities
- Residential – limited (i.e. mixed use)
- Hotels/Motels – transient, destination lodging
- River Tourism
- Retail – limit square footage
- Restrict/limit business and professional offices

Vice-Chair Kaufman commented the Mayor's Visioning Committee will hold public forums to solicit public comment for what types of uses citizens would like to see developed. Staff remarked design review criteria would be developed based on the types of uses.

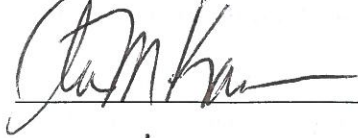
c) Corner Lot Orientation vs. Set Backs: Development Analyst Nesbitt requested Commission approval of Staff's front/side yard interpretation for a new proposed single family home on the corner of 3rd and Cedar Streets. The Commission approved Staff's interpretation and the proposed orientation of the new home.

7. ADJOURNMENT

Meeting adjourned by consensus at 8:45PM.


Devree Leymaster
City Recorder

Steve Kaufman, Vice-Chair


Date: 5/28/2013